

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

SHANELL MARTINEZ,

Plaintiff,

Case No. 1:22-cv-03111-VEC

-against-

NOTICE OF MOTION

189 CHRYSTIE STREET PARTNERS, LP,
d/b/a THE BOX, VARIETY WORLDWIDE, LLC,
SIMON HAMMERSTEIN, JAVIER VIVAS,
GIZA SELIMI, and NENAD KARAC,

Defendants.

-----X

PLEASE TAKE NOTICE that, upon the annexed declarations of Brian Pete, Esq and annexed exhibits, and Memorandum of Law, the undersigned will move this Court, at the United States Courthouse, 40 Foley Square, Room 240, New York, New York 10007, before the Honorable Valerie Caproni, on a date to be determined by the Court, for an Order: (a) dismissing Plaintiff's Complaint with prejudice pursuant to Federal Rules of Civil Procedure 12(b)(6) as she reached a pre-litigation settlement of her claims against Defendants and therefore, has released her claims against them; (b) dismissing Plaintiff's sixth cause of action under the Fair Labor Standards Act for failure to state a claim; (c) dismissing Plaintiff's third, fourth, and fifth causes of action for failure to state a claim; (d) enforcing the pre-litigation settlement reached between the parties; (e) staying discovery pursuant to Federal Rules of Civil Procedure 26(c); and (f) granting movants costs, fees and such other and further relief as is just and proper.

Dated: New York, New York
August 23, 2022

LEWIS BRISBOIS BISGAARD & SMITH LLP

/s/ Brian Pete

Brian Pete, Esq.

Joan Lopez, Esq.

77 Water Street, Suite 2100

New York, New York 10005

(212) 232-1300

Brian.Pete@lewisbrisbois.com

Joan.Lopez@lewisbrisbois.com

Attorneys for Defendants

CERTIFICATE OF SERVICE

Brian Pete, Esq., an attorney duly admitted to practice before this Court, certifies that on August 23, 2022, he caused to be served via ECF Defendants' Notice of Motion, Memorandum of Law in Support of Motion to Dismiss, Enforce Settlement, and Stay Discovery, supporting declaration and annexed exhibits upon counsel of record.

/s/ Brian Pete

Brian Pete